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**ORIGINAL**

# Arizona Corporation Commission Public Comment Form

**Step 1**

*This form should be used for public comments pertaining to a specific pending case only. Please be sure to reference the appropriate docket number so your comments are filed in the docket promptly. Please use the Consumers Services Assistance Form for complaints, inquiries or general inquiries.*

**Step 2**

YOUR NAME <b>Walter F. Robertson</b>	DATE <b>3/31/2009</b>
ADDRESS, CITY, STATE AND ZIP <b>1690 North Falcon Road, Flagstaff, Arizona 86004</b>	YOUR PHONE NUMBER <b>(928) 526-2387</b>
DOCKET YOU WISH TO COMMENT ON: <b>Crossing Modifications to DOT#'s 025099J/025129Y</b>	DOCKET NUMBER <b>RR-02635B-09-0075</b>
CASE OR UTILITY NAME <b>City of Flagstaff</b>	YOUR POSITION ON THE DOCKET PRO <input type="radio"/> CON <input type="radio"/> OTHER <input checked="" type="radio"/>
YOUR E-MAIL ADDRESS <b>wfrobertson@msn.com</b>	

**Step 3**

ENTER YOUR COMMENTS HERE:

I have offered my comments in the following packet consisting of:

1. This cover page. (1 page)
2. Letter. (4 pages)
3. Appendix to letter. (6 pages)
4. Certification & Letter mailed to Mayor Presler, City of Flagstaff. (2 pages)

Total 13 pages

AZ CORP COMMISSION  
DOCKET CONTROL

2009 APR -7 A 8:20

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Arizona Corporation Commission

**DOCKETED**

APR -7 2009

If you need additional space for your comments, please use the continuation page below.

**Step 4**

DOCKETED BY

*This form may be completed electronically, printed and mailed to:*  
 Arizona Corporation Commission, Consumer Services Section, 1200 W. Washington St.  
 Phoenix, Arizona 85007;  
 or

*You may e-mail it as an attachment to:*  
[mailmaster@azcc.gov](mailto:mailmaster@azcc.gov)

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This commission is being asked to approve the installation of Wayside Horns at two crossings in Flagstaff Arizona. The approval and subsequent installation of these Wayside Horns will be the final modifications for the opening of the proposed Flagstaff Quiet Zone.

By endorsing these two crossing modifications the Arizona Corporation Commission is in fact endorsing the entire Quiet Zone and all other crossing modifications installed at the other three at grade crossings in Flagstaff.

In order to establish a Quiet Zone federal regulations require an initial onsite inspection and evaluation by a designated "Diagnostic Team". The Diagnostic Team evaluates the segment of rail line and all associated crossings and makes recommendations based on Federal law, accepted safety principals, and common sense, to the municipality on modifications and/or additional equipment required to implement a Quiet Zone and the associated quieting of the locomotive horn in that segment of rail line.

The Diagnostic Team's recommendation for the proposed Flagstaff quiet zone was:

1. Scenario A. Installation of Wayside Horns at all public at-grade crossings. (Noise Reduction Zone).
2. Scenario B. Pedestrian Barriers, (Barrier \ n. 1. A material object or set of objects that separates demarcates or **serves as a barricade.** ), at Beaver and San Francisco; Median used as Alternative Safety measure at Enterprise; Four-Quadrant Gates at Steves and Fanning. (A true Quiet Zone).

The City of Flagstaff relied on knowingly questionable and misleading reports regarding construction costs and unneeded and non-required amenities for "sidewalk treatments", "beautification", etc. required to construct this Quiet Zone.

The Flagstaff City Council, in a reckless disregard for public safety, opted to mix the modifications from both scenarios A and B and come up with an unwarranted scenario D. Scenario D, (the current scenario being presented to the Arizona Corporation Commission for approval) is not the scenario recommended by the Diagnostic Team.

The City approved scenario D calls for Wayside Horns at the two most Easterly crossings at Steves and Fanning Blvd., which will adequately protect public safety at the crossings, and the installation of "pedestrian barriers" on the two most Westerly crossings, Beaver and San Francisco Streets which will not adequately protect public safety at these two Downtown crossings.

The scenario D plan, devised by the Flagstaff City Council deviates from the initial diagnostic team recommendations. The change of plan from the initial scenario A or B seems to have been of some concern to the engineering firm (Gannett Fleming, hired to design and supervise the construction of this project) since some of the original diagnostic team members, (the Gannett Fleming Project Manager and the BNSF representative) had not participated in the design of the final design of scenario D.<sup>1</sup>

While the scenario D plan may provide an acceptable level of safety; the City designed (after the initial Diagnostic Team meetings) and approved, (arches), "pedestrian barriers" installed as the alternative warning devices do not appear to be sufficient safety measures. Since the safety ratings assigned by the Federal Railroad Administration regulations: (49 CFR Parts 222 and 229 Appendix A), do not take into account pedestrian traffic and only consider motor vehicle traffic. The input and approval of the entire Diagnostic Team should have been secured prior to the approval and installation of the pedestrian arches now in place at Beaver and San Francisco Streets.

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<sup>1</sup> For the biographical information presented by this statement see **Appendix A, p.1**

I contend the devices approved by the City Council and already installed will be insufficient to safely regulate the high volume and type of pedestrian traffic at the two deadliest public at-grade railroad crossings in Flagstaff. These two crossings not only have the highest pedestrian causality rate of all the crossings located in Flagstaff but the deadliest crossing located on San Francisco street, is the major route traveled by Northern Arizona University students going to and from their dorms and places of residence to the large number of bars and drinking establishments located on the other side of this crossing.

These two crossings are also used by large numbers of tourists who routinely walk around the Downtown area. Truly the exchange of an audible warning device for the devices proposed by this City is literally an accident waiting to happen.

The enclosed photograph<sup>2</sup> of these "pedestrian barriers" has been included in this letter and is exactly what has been installed at these two Downtown crossings. While there will be an additional [LOOK]<sup>3</sup> sign added to the underside of the arch, (see enclosed drawing); these sign posts, resembling a plant trellis, are in no way, shape, or function, sufficient barriers for the type and volume of pedestrian traffic at these two crossings.<sup>4, 5</sup>

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<sup>2</sup> Photo taken by Walter Robertson, San Francisco and Beaver Streets, Flagstaff, Arizona, March 29, 2009, Sony DCS-W30, **Appendix A, p. 2**

<sup>3</sup> MUTCD, sections table 8B-1 R15-8 and Figure 8B-3 R15-8, **Appendix A, pp. 3-4**

<sup>4</sup> "Pedestrian struck and killed by train", Arizona Daily Sun, 19 March 2009, section A p. 2, **Appendix A, p. 5**

<sup>5</sup> "The man hit by train Wednesday night identified", Arizona Daily Sun, 20 March 2009, *on line*, **Appendix A, p. 6**

Since the Arizona Corporation Commission is now aware of the modifications installed at the two busiest and deadliest pedestrian crossings in Flagstaff and since this Commission by approving the two Wayside horns at Steves and Fanning is in essence giving its approval to the entire Quiet Zone in Flagstaff, it is my opinion that this Commission is conveying to the State of Arizona a portion of the responsibility and liability for public safety at these two crossings.

Thank you for taking the time to consider and investigate this public comment.

Sincerely,

A handwritten signature in cursive script, reading "Walter F. Robertson", followed by a long horizontal flourish.

Walter F. Robertson

## APPENDIX A, PAGE 1

ATTACHMENT NO. 1  
City of Flagstaff  
Flagstaff Railroad Modification Project  
Gannett Flemings Appraisal of Completed Work  
August 27, 2007

**Background:** The City of Flagstaff executed a contract with Gannett Fleming to plan and design a quiet zone project for five crossings in Flagstaff: Beaver Street, San Francisco Street, Enterprise Avenue, Steves Boulevard and Fanning Drive. The initial project budget was \$99,520.30 with a contract allowance of \$9,520.00 of which \$7,908.59 was issued for a total contract value of \$107,428.89. The remaining contract allowance is \$1,611.41 as of Field Change Order No. 4.

Gannett Fleming initiated work in 2005, completed the conceptual engineering phase and issued a Quiet Zone/Wayside Horn Update, December 2006. The project was delayed by the City of Flagstaff due to a protracted time frame to secure approval from the City of Flagstaff City Council. In April 2007 the City Council selected Scenario D. The Diagnostic Team recommended either Scenario A or B. A second project kick-off meeting was held on June 4, 2007 to start the final design phase of the project.

However, during the delay of the project the Gannett Fleming project manager resigned and relocated to Florida to address family issues. The BNSF diagnostic team member also left the project.

The new Gannett Fleming replacement project manager and his signal manager expressed concerns regarding the City Council selection of a recommendation not endorsed by the Diagnostic Team. (See Gannett Fleming letter of June 29, 2007.) However, Gannett Fleming was agreeable to progress the final design of Scenario D. Gannett Fleming developed a detailed bottoms-up cost estimate complete with drawing and a specification list; the total cost to complete was \$174,201.71 less remaining funds of \$49,286.70. Thus, additional funding of \$124,915.01 was estimated to be needed to complete the work. Gannett Fleming indicated that the initial final design cost estimate was not a detailed bottoms-up estimate and it was not based on the City Council recommendation. Additionally, implementation of Scenario D would result in additional property takings and generally require more work. The City of Flagstaff did not agree that the initial cost estimate fully supported the anticipated final design for an option that the City did not yet select.

Property  
NOT included  
in final  
revised cost

→ NOT correct

The City of Flagstaff and Gannett Fleming agreed to a three week suspension to try and reach a consensus on the design cost to complete the original contract scope. The City of Flagstaff terminated the Gannett Fleming Contract on August 7, 2007.



APPENDIX A, PAGE 2





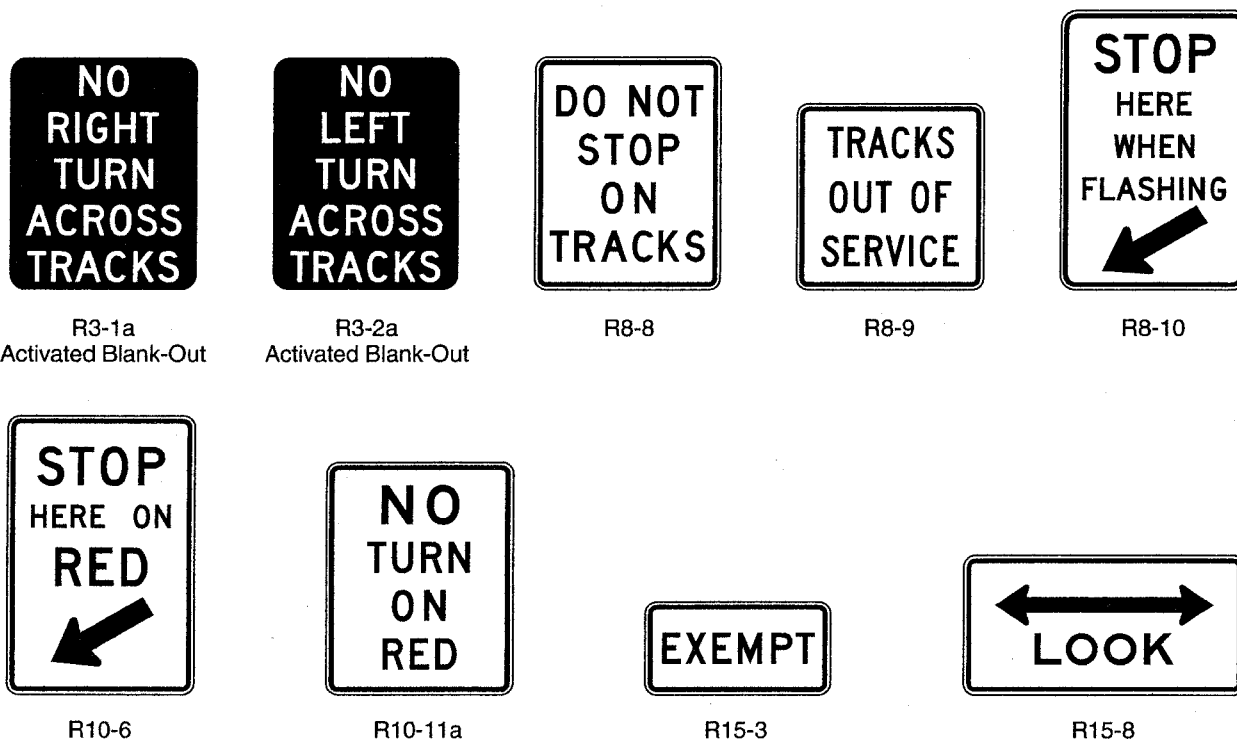
**APPENDIX A, PAGE 3**  
**Table 8B-1. Sign Sizes for Grade Crossing Signs (Sheet 1 of 2)**

Sign	MUTCD Code	Section	Conventional Road	Expressway	Minimum	Oversized
No Right Turn Across Tracks	R3-1a	8B.06, 10C.09	600 x 750 (24 x 30)	—	—	—
No Left Turn Across Tracks	R3-2a	8B.06, 10C.09	600 x 750 (24 x 30)	—	—	—
Do Not Stop on Tracks	R8-8	8B.07, 10C.05	600 x 750 (24 x 30)	—	—	—
Tracks Out of Service	R8-9	8B.09, 10C.06	600 x 600 (24 x 24)	—	—	—
Stop Here When Flashing	R8-10	8B.10, 10C.08	600 x 900 (24 x 36)	—	—	—
Stop Here on Red	R10-6	8B.11, 10C.07	600 x 900 (24 x 36)	—	—	—
No Turn on Red	R10-11a	8D.07, 10C.09	600 x 750 (24 x 30)	—	—	—
Highway-Rail Grade Crossing (Crossbuck)	R15-1	8B.03, 10C.02	1200 x 225 (48 x 9)	—	—	—
Number of Tracks	R15-2	8B.03 10C.02	675 x 450 (27 x 18)	—	—	—
Exempt	R15-3	8B.05, 10C.10	600 x 300 (24 x 12)	—	—	—
Light Rail Only Right Lane	R15-4a	10C.13	600 x 750 (24 x 30)	—	—	—
Light Rail Only Left Lane	R15-4b	10C.13	600 x 750 (24 x 30)	—	—	—
Light Rail Only Center Lane	R15-4c	10C.13	600 x 750 (24 x 30)	—	—	—
Light Rail Do Not Pass	R15-5	10C.14	600 x 750 (24 x 30)	—	—	—
Do Not Pass Stopped Train	R15-5a	10C.14	600 x 750 (24 x 30)	—	—	—
Do Not Drive On Tracks Light Rail Symbol	R15-6	10C.12	600 x 600 (24 x 24)	—	—	—
Do Not Drive On Tracks	R15-6a	10C.12	600 x 750 (24 x 30)	—	—	—
Light Rail Divided Highway Symbol	R15-7	10C.11	600 x 600 (24 x 24)	—	—	—
Light Rail Divided Highway Symbol (T-Intersection)	R15-7a	10C.11	600 x 600 (24 x 24)	—	—	—
Look	R15-8	8B.16, 10C.03	900 x 450 (36 x 18)	—	—	—
Highway-Rail Grade Crossing Advance Warning	W10-1	8B.04, 10C.15	900 Dia. (36 Dia.)	—	—	—
Exempt	W10-1a	8B.05, 10C.10	600 x 300 (24 x 12)	—	—	—
Highway-Rail Grade Crossing Advance Warning	W10-2,3,4	8B.04, 10C.15	900 x 900 (36 x 36)	—	—	—
Low Ground Clearance Highway-Rail Grade Crossing	W10-5	8B.17, 10C.16	900 x 900 (36 x 36)	—	—	—
Light Rail Activated Blank-Out Symbol	W10-7	10C.17	600 x 600 (24 x 24)	—	—	—
Trains May Exceed 130 km/h (80 MPH)	W10-8	8B.13	900 x 900 (36 x 36)	—	—	—
No Train Horn	W10-9	8B.14	600 x 450 (24 x 18)	—	—	—
No Signal	W10-10	8B.15	600 x 450 (24 x 18)	—	—	—
Storage Space Symbol	W10-11	8B.18, 10C.18	900 x 900 (36 x 36)	—	—	—



## APPENDIX A, PAGE 4

### Figure 8B-3. Regulatory Signs



#### **Section 8B.08 STOP (R1-1) or YIELD (R1-2) Signs at Highway-Rail Grade Crossings**

##### **Option:**

At the discretion of the responsible State or local highway agency, STOP (R1-1) or YIELD (R1-2) signs (see Figure 2B-1) may be used at highway-rail grade crossings that have two or more trains per day and are without automatic traffic control devices.

##### **Support:**

- Two or more trains per day means an average of two or more trains per day operating over the highway-rail grade crossing for a 12-month period prior to the installation of the STOP or YIELD control sign.

##### **Option:**

For other highway-rail grade crossings with passive warning devices, STOP or YIELD signs may be used based on an engineering study.

##### **Guidance:**

The engineering study should take into consideration such factors as highway and train traffic characteristics (including volume and speed), collision history, the need for active control devices, and sight distance to the approaching train.

##### **Option:**

If a STOP or YIELD sign is installed at a highway-rail grade crossing, it may be installed on the Crossbuck post or on a separate post at a point where the vehicle is to stop, or as near to that point as practical.

##### **Standard:**

For all highway-rail grade crossings where STOP or YIELD signs are installed, the placement shall conform to the requirements of Sections 2B.06 and 2B.10. Stop Ahead (W3-1) or Yield Ahead (W3-2) Advance Warning signs (see Figure 2C-4) shall also be installed if the criteria for their installation given in Section 2C.29 is met.



## **Pedestrian struck, killed by train**

Thursday, March 19, 2009

A man was struck and killed by a train in downtown Flagstaff just before 10 p.m. Wednesday.

The accident occurred at 9:47 p.m. at the railroad crossing at San Francisco Street and Route 66, said Sgt. Jay of the Flagstaff Police Department.

The accident was still under investigation at press time. Look for more details in Friday's Arizona Daily Sun.

**APPENDIX A**

**PAGE 5**

Docket # RR-02635B-09-0075



**Man killed by train ducked under barricade**

Friday, March 20, 2009

The man hit by a train Wednesday night has been identified.

Ray Sumatzkuku, 49, of Polacca, was pronounced dead at about 10 p.m. when he walked in front of an eastbound train at the South San Francisco Street crossing, according to information from the Flagstaff Police Department.

He is known to police as a local street alcoholic. His identity was confirmed by a jail booking photo taken after a March 12 arrest for drinking alcohol in public. He has several petty crime convictions in Flagstaff and Winslow for alcohol- related offenses, including consuming alcohol in public, disorderly conduct, loitering to beg, shoplifting, assault and trespassing.

The train engineer saw Sumatzkuku cross under the lighted barricade while he was blowing the train horn. Sumatzkuku did not acknowledge the train and appeared confused to the engineer, who had engaged the emergency brakes after seeing him on the tracks.

Sumatzkuku was pronounced dead at the scene. Whether alcohol was a factor in the incident will have to be determined by the Coconino County Medical Examiner.

The investigation continues.

**APPENDIX A**

**PAGE 6**

Docket # RR-02635B-09-0075



Walter F. Robertson

1690 N. Falcon Rd.

Flagstaff, AZ 86004

March 31, 2009

The Honorable Sara Presler

Mayor of the City of Flagstaff

211 West Aspen Avenue

Flagstaff, Arizona 86001

Dear Mayor Presler,

This is a copy of the public statement packet I'm sending to the Arizona Corporation Commission regarding the proposed crossing "improvements" and the entire Flagstaff Quiet Zone project. Along with sending you a copy of the packet I would like to comment on the ridiculous amount of money we've spent for the type of modifications that have been performed at all the crossings.

I realize the issue has been decided many months ago. I just want to go on record and express my disagreement and disappointment on the wasteful expenditure of public funds that certain members of the Flagstaff City Council agreed to. I feel the solution to the "Train Horn Noise" problem only goes to show how the Flagstaff City staff manipulates information presented to the Council to achieve its own agenda.

Sincerely,



Walter F. Robertson

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PS Form 3800, August 2006 See Reverse for Instructions